IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NOs.11417, 11197, 11195 and 11208 of 2002

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(1) W.P.No.11417 of 2002

Between:

Malisetty Ramakrishnudu, S/o.Seshanna, 44 years, Vempenta Village, Velgode (Mandal), Kurnool District.

...PETITIONER

AND

1. The Chief Commissioner Land Administration of A.P., Abids, Hyderabad.
2. The Joint Collector, Kurnool, Kurnool District.
3. The Mandal Revenue Officer, Velgode Mandal, Kurnool District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 1st respondent herein in passing the proceedings No.BOW5/161/99, dated 18.05.2002 confirming the orders of the 2nd respondent in R.Dis.No.2948/94, dated 12.10.1998, cancelling the patta granted in favour of the petitioner, as illegal, arbitrary and contrary to law.

Counsel for the Petitioner: MR.E.AYYAPU REDDY

Counsel for the Respondents: GP FOR ASSIGNMENT & GP FOR REVENUE

(2) W.P.No.11197 of 2002

Between:

Malisetty Seshanna (Died) represented by His son Malisetty Veganna, @ Kishore, Vempenta Village, Velgode (Mandal), Kurnool District.

...PETITIONER

AND

1. The Chief Commissioner Land Administration of A.P., Abids, Hyderabad.
2. The Joint Collector, Kurnool, Kurnool District.
3. The Mandal Revenue Officer, Velgode Mandal, Kurnool District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 1st respondent herein in passing the proceedings No.BOW5/195b/99, dated 18.05.2002 confirming the orders of the 2nd respondent in R.Dis.No.2948/94, dated 12.10.1998, cancelling the patta granted in favour of the petitioner, as illegal, arbitrary and contrary to law.

Counsel for the Petitioner: MR.E.AYYAPU REDDY

Counsel for the Respondents: GP FOR REVENUE (ASSIGNMENT)

(3) W.P.No.11195 of 2002

Between:

Ediga Subbanna, S/o.Ramanna, 78 years,R/o.Gunthakandala Village, Velgode (Mandal), Kurnool District.

...PETITIONER

AND

1. The Chief Commissioner Land Administration of A.P., Abids, Hyderabad.
2. The Joint Collector, Kurnool, Kurnool District.
3. The Mandal Revenue Officer, Velgode Mandal, Kurnool District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 1st respondent herein in passing the proceedings No.BOW5/160/99, dated 18.05.2002 confirming the orders of the 2nd respondent in R.Dis.No.2948/94, dated 12.10.1998, cancelling the patta granted in favour of the petitioner, as illegal, arbitrary and contrary to law.

Counsel for the Petitioner: MR.E.AYYAPU REDDY

Counsel for the Respondents: GP FOR REVENUE

(4) W.P.No.11208 of 2002

Between:

Malisetty Nagamma, W/o.Seshanna, Vempenta Village, Velgode (Mandal), Kurnool District.

...PETITIONER

AND

1. The Chief Commissioner Land Administration of A.P., Abids, Hyderabad.
2. The Joint Collector, Kurnool, Kurnool District.
3. The Mandal Revenue Officer, Velgode Mandal, Kurnool District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 1st respondent herein in passing the proceedings No.BOW5/162/99, dated 18.05.2002 confirming the orders of the 2nd respondent in R.Dis.No.2948/94, dated 12.10.1998, cancelling the patta granted in favour of the petitioner, as illegal, arbitrary and contrary to law.

Counsel for the Petitioner: MR.E.AYYAPU REDDY

Counsel for the Respondents: GP FOR REVENUE (ASSIGNMENT)

The Court made the following:

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COMMON ORDER:

In all the Writ Petitions, the order impugned is the same. The said impugned common order was passed by the first respondent on 19.05.2002 affirming the orders of the second respondent dated 12.10.1998 who by the said order cancelled the assignment of land made in favour of the petitioners sometime in the year 1979 for various reasons. The following tabular columns would show the particulars of the petitioners, the date of assignment of land and the reasons for cancellation of the assignment by the second respondent by order dated 12.10.1998.

Sl.No.	W.P.No.	Name	Date of Assignment	Survey No.	Reasons for Cancellation
1.	11417 of 2002	Malisetty Ramakrishnudu	13.04.1979	250/3	Assignee is not cultivating and his brother-in-law is cultivating since 1996
2.	11197 of 2002	Malisetty Venganna @ Kishore	13.04.1979	249/1	Assignee is not cultivating land that he had Acs.1.50 wet land and Acs.5.00 dry land
3.	11195 of 2002	Ediga Subbanna	13.04.1979	248	Assignee is not cultivating and his son-in-law is cultivating
4.	11208 of 2002	Malisetty Nagamma	04.11.1979	253	Assignee is not cultivating and she had Acs.1.50 wet land and Acs.5.00 dry land.

The impugned order is challenged on various grounds. It is contended that the exercise of power by the Joint Collector after about two decades is improper and illegal, that the Joint Collector has not at all applied mind while passing the orders of cancellation in October 1998 and that the orders passed by the first respondent are invalid for want of reasons for dismissing appeals.

The first respondent entertained the appeals and after perusing the records submitted by the second respondent, dismissed the appeals of the petitioners along with other nine appeals observing as under.

In all (14) cases there are clear violations of patta conditions and the petitioners totally failed to produce any documentary evidence in support of their claim. All the assignments are considered to be irregular assignments. More over the patta certificates obtained on misrepresentation of facts. Hence, I do not see any valid reasons to interfere with the orders of Joint Collector, Kurnool, dated 12.10.1998.

All the (14) appeals are accordingly dismissed.

It has been repeatedly held by the Supreme Court and this Court that while exercising quasi-judicial jurisdiction, the Revenue authorities have to give reasons for their orders. After perusing the impugned order, I am satisfied that the same suffers from incurable defect in that there are no reasons except stating that the assignments made in favour of the petitioners in the year 1979 were irregular and were obtained by misrepresentation of facts. This is not sufficient compliance with settled principle of law. The petitioners have raised many grounds as noticed by the first respondent himself and therefore, the first respondent ought to have considered each of the ground independently having regard to the authorities cited by the petitioners before the first respondent. Therefore, this Court is not able to countenance the submission of the learned Assistant Government Pleader for Revenue (Assignment) that the first respondent has passed orders after perusing the record and therefore, the orders need not be interfered with.

In view of the above, the four Writ Petitions are allowed and the matters are remitted to the first respondent with a direction to consider all the grounds raised by the petitioners and pass appropriate reasoned order within a period of four weeks from the date of receipt of a copy of this order. In view of the submission made, that the petitioners are in possession of the property, there shall be *status quo* as on today, till the matter is finally disposed of by the first respondent.

The Writ Petitions, with the above observations, are accordingly allowed, remitting the matters to the first respondent. No order as to costs.

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(V.V.S.RAO, J)

30th August 2004

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Chief Commissioner Land Administration of A.P., Abids, Hyderabad.
2. The Joint Collector, Kurnool, Kurnool District.
3. The Mandal Revenue Officer, Velgode Mandal, Kurnool District.
4. Two CCs to G.P. for Assignment, High Court Buildings, Hyderabad (OUT).
5. Two CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

6. Two CD copies.